

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

MICHAEL LEE THOMAS

§

VS.

§

CIVIL ACTION NO. 9:12cv119

DIRECTOR, TDCJ-CID

§

MEMORANDUM OPINION REGARDING VENUE

Petitioner Michael Lee Thomas, an inmate confined in the Polunsky Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

In 1994, petitioner was convicted of a criminal offense in the 296th District Court of Collin County, Texas. He was sentenced to 45 years of imprisonment.

Petitioner filed this petition for writ of habeas corpus in the district in which he is currently confined. Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated. Section 2241(d) further provides that the district court in the exercise of its discretion may transfer the action to the other district in the furtherance of justice.

Petitioner was convicted in Collin County, Texas. Pursuant to 28 U.S.C. § 124, Collin County is in the Eastern District of Texas. However, Collin County is located in the Sherman Division, rather than the Lufkin Division. As all records and witnesses involving this action may be located in the Sherman Division of this court, the transfer of this action to such division would further justice.

Accordingly, this case should be transferred to the Sherman Division of this court. A Transfer Order shall be entered in accordance with this Memorandum Opinion.

SIGNED this 13th day of August, 2012.



Zack Hawthorn
United States Magistrate Judge